

REMARKS

Abstract

The abstract is objected to for the reasons of record cited on page 4 of the Office Action. A new Abstract is being submitted herewith. The original abstract should be cancelled and replaced with the new Abstract.

Specification

As noted by the Examiner, the word "griping" is a spelling error and should be changed throughout to "gripping". The specification and claims (specifically Claims 33, 34, 43, 44, 51, 55, and 59) have been amended throughout to correct this spelling error. Also as indicated above, the drawings and instant specification have been amended to add reference numerals to facilitate identification of the parts disclosed in the specification. In addition the instant specification has been amended to include drawing figure numbers. No new matter is added.

35 U.S.C. § 112 Rejections

Claims 53, 54, 57, and 58 are rejected under 35 U.S.C. §112 for the reasons of record stated on page 5 of the Office Action. The Office Action indicates that each of these claims recite a product comprising "instructions for using" which is unclear as these claims are dependent upon an apparatus claim. Applicants have amended Claims 53, 54, 57, and 58 to more particularly define the invention. Support for this amendment is found in Claims 53, 54, 57, and 58 as originally filed and page 7 of the instant application.

Claims 59 - 60 are rejected under 35 U.S.C. §112 for the reasons of record stated on page 5 of the Office Action. The Office Action indicates that it is unclear what is meant by "retaining means" and further asks whether the means are attached to or separate from the cleaning device? Applicants respectfully indicate that the "retaining means" of the instant invention refers to a means for retaining the tableware associated with the ultrasonic cleaning device of Claims 59 and 60 (see page 3 of the instant invention. The device can be attached or separate as long as it is associated with the ultrasonic cleaning device.

Applicants respectfully request the rejection of these claims under 35 U.S.C. §112 be reconsidered and withdrawn.

35 U.S.C. § 102 Rejections and 35 U.S.C. §103(a) Rejections

Claims 59 - 60 are rejected under 35 U.S.C. §102(b) over FR 1,102,562 for the reasons of record stated at page 6 of the Office Action.

Claims 33 - 36, 38 - 39, 41 - 51, and 55 are rejected under 35 U.S.C. §102 (b) or alternatively §103(a) as obvious over U.S. 3,357,033 issued to Sawyer for the reasons of record stated at page 7 of the Office Action.

Claims 33 - 37, 39, 42 - 49, 51, 52, and 55 - 56 are rejected under 35 U.S.C. §102(e) or alternatively §103(a) as obvious over U.S. 5,890,249 issued to Hoffman for the reasons of record stated at page 9 of the Office Action.

Claims 33 - 35, 39, and 40 are rejected under 35 U.S.C. §102 (b) or alternatively §103(a) as obvious over U.S. 5,297,512 issued to Sharp for the reasons of record stated at page 10 of the Office Action.

Claims 33 - 35 and 39 are rejected under 35 U.S.C. §102 (b) or alternatively §103(a) as obvious over U.S. 3,342,076 issued to Bodine for the reasons of record stated at page 11 of the Office Action.

Claims 33 - 35, 39, 42 - 44, 47, 49, 51, and 55 are rejected under 35 U.S.C. §103(a) as obvious over U.S. 5,311,632 issued to Center for the reasons of record stated at page 11 of the Office Action.

Claims 33 - 35, 39, and 42 - 45 are rejected under 35 U.S.C. §103(a) as obvious over U.S. 5,369,831 issued to Bock for the reasons of record stated at page 13 of the Office Action.

Claims 33 - 35, 39, and 42 - 45 are rejected under 35 U.S.C. §103(a) as obvious over U.S. 5,546,624 issued to Bock for the reasons of record stated at page 14 of the Office Action.

Claims 53 - 54 and 57 - 58 are rejected under 35 U.S.C. §103(a) as obvious over U.S. 3,357,033 issued to Sawyer for the reasons of record stated at page 15 of the Office Action.

Claims 53 - 54, and 57 - 58 are rejected under 35 U.S.C. §103(a) as obvious over U.S. 5,311,632 issued to Center for the reasons of record stated at page 15 of the Office Action.

With regard to all of the references cited in the Office Action, none of these references require *inter alia* a cleaning head which rests on a surface having a surface area greater than about 6.25 cm². Furthermore, there is nothing in these references to suggest this limitation either expressly or implicitly. Hence, the claims of the instant invention are neither anticipated nor obvious in view of the cited references.

Furthermore, with regard to FR '562, the claims of the instant application require that the cleaning head be adapted to be removably mounted to the housing. FR '562 does not disclose a cleaning head which is adapted to be removable mounted to the housing.

Sawyer '033 does not teach an ultrasonic cleaning device which includes a transducer means capable of oscillating a cleaning head at ultrasonic frequency. Rather Sawyer teaches a device which utilizes sound wave energy in "*the lower sonic range*" (see column 1, lines 51 - 57 of Sawyer '033).

With regard to Hoffman '249, though it a cleaning device which includes a vibration generator (see column 2, lines 6 - 14), Hoffman does not disclose a device which includes a transducer means capable of oscillating a cleaning head at ultrasonic frequency.

Bodine '076 discloses utilizing *sonic* tools, (see Bodine '076 column 1, lines 10 - 15), but does not disclose a cleaning device which operates at ultrasonic frequency. Furthermore, Bodine does not disclose a hand held ultrasonic cleaning device which has a cleaning head adapted to be removably mounted to the housing.

Hence, as the rejections under 35 U.S.C. §102 and §103 have been overcome, Applicants respectfully request that the rejections be withdrawn and the claims of the instant application allowed.

SUMMARY

Applicants submit that the claims of the instant application are now in condition for allowance. Applicants respectfully requests that the objections and the rejections under 35 U.S.C. §112, §102 and 103 be reconsidered and withdrawn and the claims allowed. Furthermore, as suggested by the Examiner, Applicants are including herewith an Application Data Sheet in accordance with 37 C.F.R. §1.76 which indicates Applicants' priority claim. Additionally, as suggested by the Examiner, proposed drawing corrections are included herewith for the Examiner's review. Yet further, a copy of the filing receipt for the instant application is being included herewith as evidence of Applicants' priority claim. No new matter is added.

A one-month extension of time is requested to respond to this Office Action. Any fees associated with this should be charged to Deposit Account No.: 16-2480.

Respectfully submitted,
FOR: MCKENZIE ET AL.;

BY: 

Julia A. Glazer
Attorney for Applicants
Registration No. 41,783
(513) 627-4132

September 29, 2003
Cincinnati, Ohio